

**ASSEMBLY BILL 1074 (LRB -4314)**

An Act to amend 655.013 (1m) (intro.); and to create 655.013 (1p) of the statutes; relating to: recovery of attorney fees in medical malpractice cases.

**2006**

03-02.	A.	Introduced by Representatives Vos, Vukmir, J. Fitzgerald, Gielow, Lothian, Ainsworth, Musser, Kleefisch, Newcomer, Pridemore, Jeskewitz, Nass, Kerkman, Underheim, F. Lasee, LeMahieu, Ballweg, Owens, Kestell, Hahn and Albers; cosponsored by Senators S. Fitzgerald, A. Lasee, Reynolds, Kedzie, Roessler, Darling and Leibham.	
02-27.	A.	Read first time and referred to committee on Insurance .....	848
02-27.	A.	Public hearing held.	
02-28.	A.	Executive action taken.	
02-28.	A.	Report passage recommended by committee on Insurance, Ayes 9, Noes 5 .....	858
02-28.	A.	Referred to committee on Rules .....	858
02-28.	A.	Made a special order of business at 10:21 A.M. on 3-2-2006 pursuant to Assembly Resolution 49 .....	862
03-02.	A.	Representative Hines added as a coauthor .....	894
03-02.	A.	Read a second time .....	894
03-02.	A.	Ordered to a third reading .....	895
03-02.	A.	Rules suspended .....	895
03-02.	A.	Read a third time and <b>passed</b> , Ayes 55, Noes 41, Paired 2 .....	895
03-02.	A.	Ordered immediately messaged .....	895
03-03.	S.	Received from Assembly.	
03-03.	S.	Read first time and referred to committee on Agriculture and Insurance.	
03-06.	S.	Public hearing held.	
03-06.	S.	Executive action taken.	
03-06.	S.	Report concurrence recommended by committee on Agriculture and Insurance, Ayes 4, Noes 3.	
03-06.	S.	Available for scheduling.	
03-08.	S.	Placed on calendar 3-9-2006 by committee on Senate Organization.	
03-09.	S.	Read a second time.	
03-09.	S.	Ordered to a third reading.	
03-09.	S.	Rules suspended.	
03-09.	S.	Refused to indefinitely postpone, Ayes 14, Noes 19.	
03-09.	S.	Read a third time and <b>concurred in</b> , Ayes 19, Noes 14.	
03-09.	S.	Ordered immediately messaged.	
03-14.	A.	Received from Senate concurred in.	

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# 2005 ENROLLED BILL

05en A B-1074

## ADOPTED DOCUMENTS:

☒ Orig    ☐ Engr         SubAmdt     

05 - 43141 2

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-17-06

Date

J. Miller

Enrolling Drafter

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## 2005 ASSEMBLY BILL 1074

February 27, 2006 – Introduced by Representatives VOS, VUKMIR, J. FITZGERALD, GIELOW, LOTHIAN, AINSWORTH, MUSSER, KLEEFISCH, NEWCOMER, PRIDEMORE, JESKEWITZ, NASS, KERKMAN, UNDERHEIM, F. LASEE, LeMAHIEU, BALLWEG, OWENS, KESTELL, HAHN and ALBERS, cosponsored by Senators S. FITZGERALD, A. LASEE, REYNOLDS, KEDZIE, ROESSLER, DARLING and LEIBHAM. Referred to Committee on Insurance.

1     **AN ACT** *to amend* 655.013 (1m) (intro.); and *to create* 655.013 (1p) of the  
2     statutes; **relating to:** recovery of attorney fees in medical malpractice cases.

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### ***Analysis by the Legislative Reference Bureau***

Currently, if an attorney accepts a medical malpractice case on a contingency fee basis, generally the fee is limited to the costs of the prosecution and 33 and one-third percent of the first \$1,000,000 recovered and 20 percent of any amount recovered in excess of \$1,000,000. The court may award fees in excess of these limits in exceptional circumstances. This bill limits attorney fees to the costs of the prosecution and 40 percent of the first \$50,000 recovered, 33 and one-third percent of the next \$50,000 recovered, 25 percent of the next \$500,000 recovered, and 15 percent of any amount recovered in excess of \$600,000. The bill also excludes the attorney's office overhead costs and office support staff costs, payments to consulting attorneys, and charges from the costs of the prosecution.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3     **SECTION 1.** 655.013 (1m) (intro.) of the statutes is amended to read:  
4     655.013 (1**m**) (intro.) Except as provided in sub. (1t), with respect to any act of  
5     malpractice for which a contingency fee arrangement is entered into on and after

**ASSEMBLY BILL 1074**

1 June 14, 1986, and before the effective date of this subsection .... [revisor inserts  
2 date], in addition to compensation for the reasonable costs of prosecution of the claim,  
3 the compensation determined on a contingency basis and payable to all attorneys  
4 acting for one or more plaintiffs or claimants is subject to the following limitations:

5 **SECTION 2.** 655.013 (1p) of the statutes is created to read:

6 655.013 (1p) (a) Except as provided in sub. (1t), with respect to any act of  
7 malpractice for which a contingency fee arrangement is entered into on or after the  
8 effective date of this subsection .... [revisor inserts date], in addition to compensation  
9 for the reasonable costs of prosecution of the claim, the compensation determined on  
10 a contingency basis and payable to all attorneys acting for one or more plaintiffs or  
11 claimants shall be as follows:

- 12 1. Forty percent of the first \$50,000 recovered.
- 13 2. Thirty-three and one-third percent of the next \$50,000 recovered.
- 14 3. Twenty-five percent of the following \$500,000 recovered.
- 15 4. Fifteen percent of any amount in excess of \$600,000 recovered.

16 (b) In this subsection, the reasonable costs of prosecution of the claim does not  
17 include medical costs incurred by the plaintiff, payments to consulting attorneys, or  
18 the attorneys' office overhead costs and office support staff costs.

19 (END)